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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,910	03/15/2004	James R. Sage JR.	SAGE-7	1485

7590 06/15/2005

Ansel M. Schwartz
Suite 304
201 N. Craig Street
Pittsburgh, PA 15213

EXAMINER

ABBOTT, YVONNE RENEE

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/800,910

Applicant(s)

SAGE, JAMES R.

Examiner

Yvonne R. Abbott

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/28/05</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-5 and 7 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Schacherbauer (6,109,212). Schacherbauer shows a collector of debris from an animal's paw comprising a tray; and a removable grid (44) which fits in the tray, wherein the grid is formed of upwardly raised nubs (46) and a plurality of oblong or rounded channels (48), wherein the channels are parallel and in spaced relation with each other; wherein the tray has a base (52) with a perimeter and a wall that extends along and from the base, the grid fits within the wall and on the base, wherein the grid has a stand (50) to which the channels are connected that support the channels above the base and in spaced relation to the base. With respect to claim 7, Schacherbauer discloses a method for collecting debris from an animal's paw wherein the animal steps on the afore mentioned collector, debris is collected from the animal's paw within the

tray, the grid being removable, and the collection tray is removed to empty debris therefrom.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Edwards (5,363,808). Edwards discloses a pet litter box capable of collecting debris from an animal comprising a tray, and a removable grid (50) having rounded channels (52) which are parallel, wherein the spacing between the apertures is $\frac{1}{4}$ to $\frac{1}{2}$ inch apart; and wherein the tray has a base (28) with a perimeter and a wall that extends along and from the base, the grid fits within the wall and on the base.

5. Claims 1, 2 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Hyde (5,220,886). Hyde discloses a litter box accessory capable of collecting debris from an animal comprising a tray, and a removable grid (20) having rounded channels (24) which are parallel; and wherein the tray has a base (32) with a perimeter and a wall (34) that extends along and from the base, the grid fits within the wall and on the base. With respect to claim 7, Hyde discloses a method for collecting debris from an animal's paw wherein the animal steps on the afore mentioned collector, debris is collected from the animal's paw within the tray, the grid being removable, and the collection tray is removed to empty debris therefrom.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schacherbauer in view of Edwards (5,363,808). Although Schacherbauer disclose the invention of claims 1,2,4-7, the dimensions of the channels are not specifically disclosed. Edwards teaches a pet litter box capable of collecting debris from an animal comprising a tray, and a removable grid (50) having rounded channels (52), wherein the spacing between the apertures is $\frac{1}{4}$ to $\frac{1}{2}$ inch apart. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide that the channels of Schacherbauer be $\frac{1}{16}$ to $\frac{1}{2}$ inch apart depending upon the size article one wished to screen, and as taught by Edwards that such spacing is effective in sifting refuse. Additionally, it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

8. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards (5,363,808). Although Edwards discloses the dimensions of the channels are $\frac{1}{4}$ to $\frac{1}{2}$ inch, the claimed range is not specifically disclosed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide that the channels of Edwards be $\frac{1}{16}$ to $\frac{1}{2}$ inch apart depending upon the size article one wished to screen, and as taught by Edwards that such spacing is effective in sifting refuse. Additionally, it has been held that where the general conditions of a claim are

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disclosed in the prior art, discovering the optimum ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

9. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyde in view of Edwards. Although Hyde discloses a debris collector having spaced channels, the dimensions of the channels are not specifically disclosed. Edwards teaches a pet litter box capable of collecting debris from an animal comprising a tray, and a removable grid (50) having rounded channels (52), wherein the spacing between the apertures is $\frac{1}{4}$ to $\frac{1}{2}$ inch apart. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide that the channels of Hyde be $\frac{1}{16}$ to $\frac{1}{2}$ inch apart depending upon the size article one wished to screen, and as taught by Edwards that such spacing is effective in sifting refuse. Additionally, it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

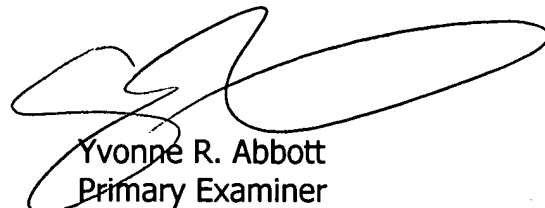
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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne R. Abbott whose telephone number is (571) 272-6896. The examiner can normally be reached on Mon-Thurs 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on (571) 272-7045. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yvonne R. Abbott
Primary Examiner
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